

REMARKS

This paper is responsive to the Office Action mailed June 17, 2005. Claims 1-27 were pending in this application. Claims 17 and 18 were withdrawn and Applicant has now canceled claims 17 and 18. Applicant has canceled claim 16. Applicant has added claims 28-33. Claims 1-15 and 19-33 are now pending.

The Office Action rejected claims 1-16 and 19-27. The Office Action rejected claims 1-16 and 19-25 under 35 U.S.C. § 101 because the invention was allegedly directed to non-statutory subject matter. The Office Action rejected claims 1-9, 16 and 19-25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action rejected claims 26 and 27 under 35 U.S.C. § 102(b) as being anticipated by “GE Re-Enters Small-Lot Market,” Plastics News, February 8, 1999 (hereinafter the “GE reference”). The Office Action objected to claims 10-15 under 37 C.F.R. § 1.75(c) as being in improper form because multiple dependent claims cannot depend from other multiple dependent claims.

Applicant has amended claims 1-15 and 19-27. Applicant has added new claims 28-33. The amendments and new claims do not add new matter and support for the amendments and new claims can be found in the specification and claims as filed.

Applicant respectfully traverses the Examiner’s rejections. Reconsideration of the application is requested in light of the Amendments above and the Remarks below.

Claims 10-15 – Objections

The Office Action objected to claims 10-15 as being multiple dependent claims depending from other multiple dependent claims. Applicant has amended the claims to remove all multiple dependent claims. Applicant respectfully requests the Examiner withdraw the objections to claims 10-15.

Claims 1-16 and 19-25 – § 101

The rejection of claims 1-16 and 19-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action states that the method of claim 1 is not a “practical application in the technological arts.” Respectfully, claims 1-16 and 19-25 are directed to statutory subject matter under 35 U.S.C. § 101. Claim 1 is directed to a process, a statutory class of subject matter under 35 U.S.C. § 101. Further, the Board of Patent Appeals and Interferences has held that “technological arts” rejections are not recognized and must be withdrawn. *See Ex Parte Lundgren*, decided April 20, 2004. Therefore, Applicant respectfully requests the Examiner withdraw the rejections to claims 1-16 and 19-25.

Claims 1-9 – § 112

The rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and particularly claiming the subject matter of the invention is respectfully traversed.

To be definite under 35 U.S.C. § 112, second paragraph, a claim must clearly define any special meaning assigned to a term within the specification. *See M.P.E.P. § 2173.01.*

The Examiner specifically referred to steps (3), (5), (7), (10), and (11) of claim 1. Applicant has amended claim 1 to eliminate numbers to individual steps and has removed former step (11) from claim 1. Applicant’s arguments below refer to steps as they were numbered prior to Applicant’s amendments.

With respect to former step (3) of claim 1, the language describing a method for “associating a functionality value with said location” can be found throughout the specification, including, for example, Page 5, Line 5 to Page 6, Line 5. The specification describes a functionality value “measured on two scales: (1) activity level, and (2) number of persons using the room.” *See Specification, Page 5, Lines 7 and 8.* The specification further describes that “a grid can be used to measure these two factors” using two scales ranging from 1-10. *See Specification, Page 5, Lines 11 and 12.* For at

least these reasons, step (3) of claim 1 is definite and satisfies the requirements of 35 U.S.C. § 112, second paragraph.

With respect to former step (5) of claim 1, the language describing a method for “associating an ‘amount of light’ (AOL) value with said locations” can be found throughout the specification, including, for example, Page 6, Lines 6-14. The specification describes estimating a room’s available light using a scale ranging from “‘no natural light available’ … to ‘high amount of natural light.’” *See Specification, Page 6, Lines 6-9.* For at least these reasons, step (5) of claim 1 is definite and satisfies the requirements of 35 U.S.C. § 112, second paragraph.

With respect to former step (7) of claim 1, the language describing a method for “associating an exposure value with said location” can be found throughout the specification, including Page 6, Line 15 to Page 7, Line 2. The specification describes measuring a room for exposure “with 1 representing, for example, both a true southern or western exposure, and 5, for example, representing a true northern or eastern exposure.” *See Specification, Page 6, Lines 16-18.* For at least these reasons, step (7) is definite and satisfies the requirements of 35 U.S.C. § 112, second paragraph.

The Office Action rejects claim 1 as indefinite for reciting step (10) that called for the selection of “said 4th set of selected rows and columns optionally being a subset of said third set of selected rows and selected columns.” Applicant has amended the claim to remove the language, “optionally being a subset of said third set of selected rows and selected columns.” Thus, the rejection of claim 1 based on the language of step (10) is moot.

The Office Action rejects claim 1 as indefinite for reciting step (11) which begins “optionally selecting one or more additional criteria.” Applicant has amended claim 1 to remove step (11). Thus, the rejection of claim 1 based on the language of step (11) is moot.

Therefore, for the reasons pointed out above, the meaning of the terms used in claim 1 are clearly defined within the specification and, therefore, claim 1 satisfies the requirements of the second paragraph of 35 U.S.C. § 112 and is allowable. Applicant respectfully requests the Examiner withdraw the rejection of claim 1. Further, as claims

2-9 depend from claim 1 and the Examiner rejected those claims based on the alleged indefiniteness of claim 1, Applicant respectfully requests the Examiner withdraw the rejections of claims 2-9.

Claims 16 and 19-25 – § 112

The rejection of claims 16 and 19-25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is respectfully traversed.

Applicant has canceled claim 16 rendering the rejection to that claim moot. The Office Action rejected claims 19-25 as indefinite for depending from indefinite claim 16. Applicant has amended claims 19-25 to depend from claim 1, directly or indirectly. Applicant respectfully submits that claims 19-25 as amended are definite. Therefore, Applicant respectfully requests the Examiner withdraw the rejections to claims 16 and 19-25.

Claims 26 and 27 – § 102(b)

The rejection of claims 26-27 under 35 U.S.C. § 102(b) as being allegedly anticipated by the GE reference is respectfully traversed.

To anticipate a claim under 35 U.S.C. § 102(b), a reference must disclose each and every element of the claim, either expressly or inherently. *See M.P.E.P. § 2131.*

The GE reference does not disclose each and every element of claim 26 and, therefore, does not anticipate the claim. For example, claim 26 recites “a system comprising: ... a processor ... configured to: ... determine a range of colors from a “hue and light grid” (HLG) based at least in part on said at least one user preference.” The GE reference discloses a method of matching a color to one of GE’s colors or to generate a new color. The GE reference does not disclose “a system comprising: ... a processor ... configured to: ... determine a range of colors from a “hue and light grid” (HLG) based at least in part on said at least one user preference.” As such, the GE reference does not disclose each and every element of claim 26. Therefore, claim 26 is not anticipated by the GE reference, and Applicant respectfully requests the Examiner withdraw the

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rejection to claim 26. Because claim 27 further depends from claim 26, it is patentable over the GE reference for at least the same reasons. Applicant respectfully requests the Examiner withdraw the rejection of claim 27.

CONCLUSION

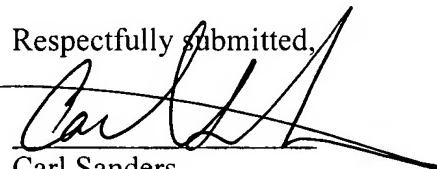
Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable, and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

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Respectfully submitted,


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